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6 **IN THE UNITED STATES DISTRICT COURT**
7 **FOR THE DISTRICT OF ARIZONA**
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9 Jessica Hinton, et al.,

10 Plaintiffs,

11 v.

12 Chretin's Family LLC,

13 Defendant.
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No. CV-24-01817-PHX-SMM

ORDER

15 The Court has received Plaintiff Denise Milani (a/k/a Denise Trlica) Supplemental
16 Declaration in Support of Plaintiff's Motion for Default Judgment against Chretin's
17 Family, LLC. (Doc. 20). For the reasons stated below, the Court grants Plaintiff Milani's
18 Motion. (Doc. 15).

19 **I. BACKGROUND**

20 The facts in the Court's preceding Order, (Doc. 19), are the same and need not be
21 repeated.

22 **II. LEGAL STANDARD**

23 Rules 55(a) of the Federal Rules of Civil Procedure requires that "[w]hen a party
24 against whom a judgment for affirmative relief is sought has failed to plead or otherwise
25 defend, and that failure is shown by affidavit or otherwise, the clerk must enter the party's
26 default." Fed. R. Civ. P. 55(a). Once a party is found to be in default, on the plaintiff's
27 motion, the Court may enter a default judgment. Fed. R. Civ. P. 55(b). After an entry of
28 default, the Court may grant a default judgment on the merits of the case. Twentieth

1 Century Fox Film Corp. v. Streeter, 438 F.Supp.2d 1065, 1070 (D. Ariz. 2006).

2 Rule 55 does not require the entry of judgment against a defaulting party, as “the
3 decision whether to enter a default judgment is a discretionary one.” Aldabe v. Aldabe, 616
4 F.2d 1089, 1092 (9th Cir. 1980). In determining whether to grant a default judgment, “[t]he
5 general rule of law [is] that upon default the factual allegations of the complaint, except
6 those relating to the amount of damages, will be taken as true.” TeleVideo Sys. Inc. v.
7 Heidenthal, 826 F.2d 915, 917-18 (9th Cir. 2007); Aldabe, 616 F.2d at 1092 (9th Cir. 1980).

8 When a defendant defaults, that default acts as an admission of the Complaint’s
9 well-pleaded allegations of fact. DirecTV, Inc. v. Hoa Huynh, 503 F.3d 847, 851 (9th Cir.
10 2007); Cripps v. Life Ins. Co., 980 F.2d 1261, 1267 (9th Cir. 1992). However, a
11 defendant’s default does not establish claims that are legally insufficient; a default still
12 requires that the stated cause of action in the Complaint have the requisite facts to establish
13 each element of each claim. DirecTV, Inc., 503 F.3d at 854.

14 “Plaintiff is required to prove all damages sought in the complaint.” Philip Morris
15 USA v. Castworld Prods, Inc., 219 F.R.D at 494, 498 (C.D. Cal. 2003). In its determination
16 of damages, the Court may rely on the declarations submitted by the plaintiff or order a
17 full evidentiary hearing. Fed. R. Civ. P. 55(b)(2).

18 **III. DISCUSSION**

19 As the Defendant has not answered or otherwise appeared in this action, Plaintiffs
20 request that the Court enter a default judgment against Defendant in the amount of
21 \$265,000 for the fair market value of Defendant’s commercial use of Plaintiffs’ images.
22 (Doc. 15-1 at 4). The Court granted the other Plaintiffs’ Motion for Default Judgment but
23 denied, without prejudice, Plaintiff Milani’s Motion. (Doc. 19). Plaintiffs provided a
24 declaration from Stephen Chamberlin, who detailed the analysis and factors that
25 culminated in his determination of Plaintiffs’ damages. (Doc. 15-2, Ex. A). Mr. Chamberlin
26 is a model and talent agent with ample experience in the industry of valuating image uses
27 and model contracts. Id. In his initial declaration, Mr. Chamberlin provided the
28 unexplained and ambiguous term “21/1S” in the “# Images” column of his fair market

1 valuation table for Plaintiff Milani. Id. Consequently, the Court denied Plaintiff Milani's
2 Motion without prejudice and ordered her to re-file her Motion, properly alleging damages
3 sought. (Doc. 19 at 12:7-15).

4 In Plaintiff Milani's Supplemental Declaration, Mr. Chamberlin clarifies that this
5 term referred to the use of two images on one "shoot day." (Doc. 20-1 at 3:5-9). Plaintiff
6 uses this explanation to justify her request of \$10,000 as the fair market valuation of her
7 images. The Court finds this new information persuasive and sufficient to meet the standard
8 of proof. Accordingly, Plaintiff Milani has properly alleged her claim for damages.

9 **IV. CONCLUSION**

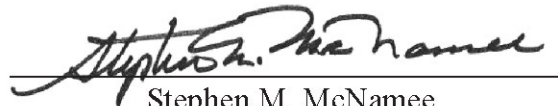
10 The court concludes that the damages have been sufficiently pled by Plaintiff
11 Melani, and therefore entry of default judgment is appropriate.

12 Therefore,

13 **IT IS ORDERED granting** Plaintiff's Motion for Default Judgment against
14 Chretien's Family, LLC. (Docs. 15; 20).

15 **IT IS FURTHER ORDERED awarding** Plaintiff Milani \$10,000 in actual
16 damages.

17 Dated this 18th day of July, 2025.

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20 Stephen M. McNamee
21 Senior United States District Judge
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